

BRADY•SULLIVAN

P R O P E R T I E S

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April 4, 2016

VIA FEDERAL EXPRESS

US EPA – New England
OES 05-4
Post Office Square, Suite 100
Boston, MA 02109-3912

Attn: Molly Magoon

RE: Information Request Letter of March 3, 2016

Dear Ms. Magoon:

I write in response to the request letter dated March 3, 2016. Based upon the significant breadth of the request, I am currently unable to determine if the summary below, and materials provided, represent all documentation and records which would be responsive to the request. We are continuing the search to determine if there is anything else which would be responsive. I will supplement this response with any additional information as it is discovered. Because I cannot yet certify that all responsive documents and records have been located, this submission does not include a completed Affidavit Responding to the IRL.

In connection with lead abatement in commercial buildings being converted to residential, Brady Sullivan's practice is to hire contractors properly qualified to remove lead paint in accordance with all applicable laws. While Brady Sullivan continues to believe that the lead abatement process in unoccupied commercial buildings is not subject to RRP, Brady Sullivan's goal is to ensure that it hires contractors that conduct their work in accordance with all laws that apply to such work. Accordingly, pursuant to Section 8 of the standard Short Form Contract that Brady Sullivan uses with the lead abatement contractors, as provided with the documents provided to you, the lead abatement contractors are required to "...comply with all applicable federal, state and local laws and regulations covering the Work..." Brady Sullivan relies upon these qualified contractors to comply with all rules, including RRP if applicable on a given job.

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On the Mill West Phase III, and stair tower work, at 195 McGregor Street, Manchester, NH, RRP has been strictly adhered to as the property contains occupied residential units. Included with the documents provided herewith, are the records which reflect the same. Stair tower work included installation of sheetrock and flooring over lead surfaces and the Phase III construction work included installation of a foam barrier over remaining lead surfaces.

The following further summarizes the Mill West work:

- 1) Common Stairwells Enclosure – Northeast & Northwest Stair Towers:
All work was done according to Les A. Cartier and Associates, Inc. Lead Exposure Hazard Reduction Plan, by RRP personnel (Kindler had filed for variance for use of RRP personal), following tasks 1 - 5 for the NE stair tower and following tasks 1 - 6 for the NW stair tower. Work on the NE tower was originally started under the Contractor Josh Hamel from Kindler, until Michael Andrews of Brady Sullivan passed his contractor licensing on August 21, 2015 when he then took over as the licensed contractor. The NE stair tower started in early August of 2015 and the final clearance was on October 10, 2015. The NW stair tower started in mid-November, 2015 and final clearance was on February 1, 2016. Mickey Laskey performed dust wipe and air clearances.
- 2) Cleaning of the exterior windows and sills. – Exterior windows and sills were cleaned from a man lift by certified workers, Tahir Hodzic from Brady Sullivan and Jesus Ducos from Kirkwood, according to the guidelines set forth under Cartier's plan 2 of 3 'Plan for Dust Wipe Analysis-Lead Dust Hazard Mitigation plan dated August 28, 2015. Risk accessor Mickey Laskey performed dust wipe and clearances.
- 3) Removal of 15 window casings- Work was performed by ECSI who followed all RRP requirements under Michael Andrews' contractor supervision to remove the lead painted casings and work was monitored by risk accessor Mickey Laskey. Work started on September 5, 2015 and ended on September 15, 2015.
- 4) Foam over Lead prior to enclosure- Work was performed by RRP contractors working for Builders Services group. This work was done to contain any lead to make it safe for workers to enclose with dry wall. Work started September 15, 2015 and ended on October 15, 2015.

With respect to the lead abatement in unoccupied commercial buildings, Brady Sullivan relies upon its qualified contractors to remove lead paint from all necessary surfaces through a properly conducted sandblasting process, in accordance with all applicable laws. The process includes proper cleaning following sandblasting. Included with the documents provided herewith, is a summary from Enviro Construction Services, Inc. which provides the details of this process.

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Other contractors which are, or have been, utilized for this purpose, including Environmental Compliance Specialists, Inc. and BilRay Corporation, follow, or have followed similar procedures, provided, however, each contractor has discretion to properly conduct the work removal and cleaning work in accordance with its own specific processes and procedures.

The documents provided in response to your requests reflect the requirements of the contractors and also included are lead certificates with respect completed projects as available as of this writing. This submission will be supplemented as additional documents are provided to me by various parties.

With further regard to your request, the following responses are provided. The numeric designations below correspond to the numeric designations in the request. Please be advised as follows:

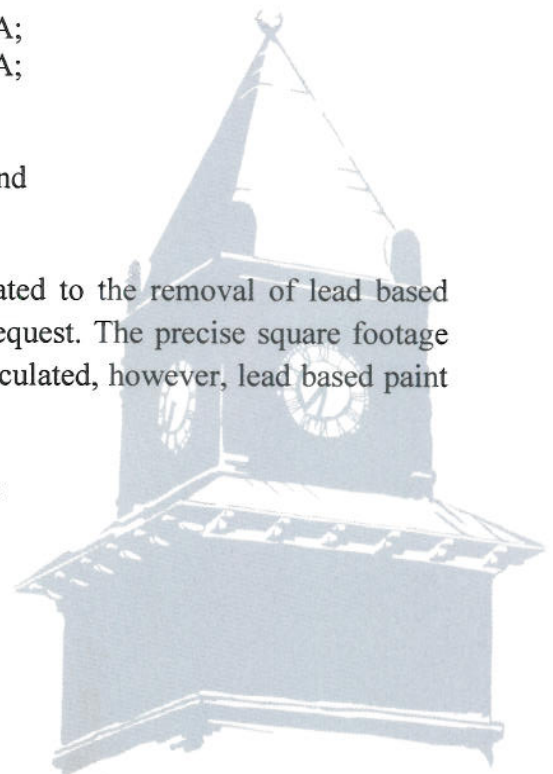
1. (a) The properties in New England which have been, or on the way to being, subject to renovation from commercial to residential in the past two years are as follows:

Eagle Street, 335, 376, 384 Valley Street, Providence, RI;
Junction Shops Mill, 42 Jackson Street, 64 Beacon Street, 79 Beacon Street
and 9 Harris Court, Worcester, MA;
Lancaster Mill, Phase 2, 55 Green Street Clinton, MA;
Mill West Annex, 70 Foundry Street, Manchester, NH;
Mill West, Main Building, Phase III, 195 McGregor Street, Manchester, NH;
Harris Mill, 618 Main Street, Coventry, RI;
Pacific Mills, Phase 1, 300 Canal Street, Lawrence, MA;
Pacific Mills, Phase 2, 300 Canal Street, Lawrence, MA;
Tourister Mill, 90-109 Main Street, Warren, RI;
American Locomotive Mill, Providence, RI;
Butcher Block Mill, 25 Eagle Street, Providence, RI; and
Nashua Corp. Building, 34 Franklin Street, NH.

(b) Provided herewith are copies of all contracts related to the removal of lead based paint which have been located since receiving your request. The precise square footage area of lead being removed will be provided when calculated, however, lead based paint removal is building wide on each project.

(c) The ages of the properties according to city records:

Eagle Street Providence – Built in 1908
Junction Shops - Built in 1900s
Lancaster Mill Phase 2 – Built in 1840s



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Mill West Annex – Built in 1890
Mill West Main Building, Phase III – Built in 1889
Harris Mill – Built 1850 through 1927
Pacific Mills Phase 1 – Built in 1882
Pacific Mills Phase 2 – Built in 1882
Tourister Mill – Built in 1900
American Locomotive – Built in 1900
Butcher Block Mill – Built in 1900
Nashua Corp. Mill – Built in 1839

(d) Copies of Building Permits are attached herewith with respect to properties in connection with which the same have been located as of this writing. I will supplement if and as necessary.

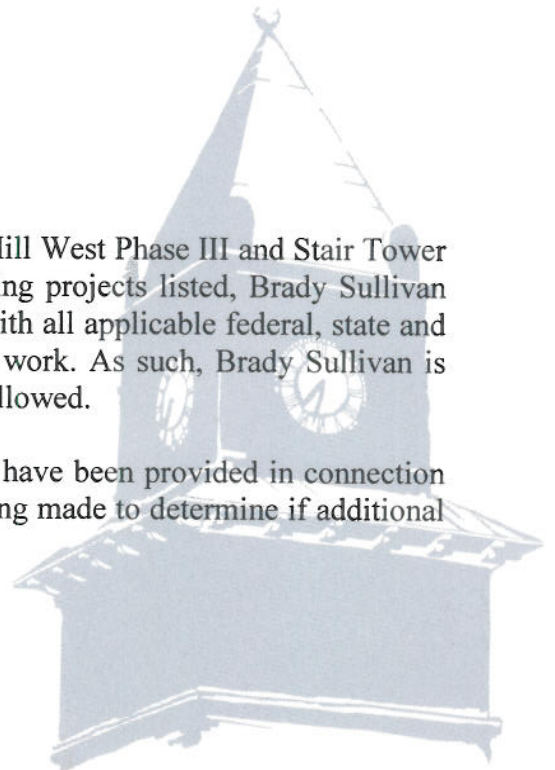
(e) Certifications and reports of lead abatement are attached hereto with respect to properties in connection with which the same have been provided to me. I will supplement if and as necessary.

The following properties have no such reports as their renovation has not yet begun or is in the early stages:

Eagle Street Providence
Pacific Mills Phase 1 (Currently in Process)
Pacific Mills Phase 2
Tourister Mill
American Locomotive
Butcher Block Mill
Nashua Corp. Mill

2. (a) Brady Sullivan followed RRP in connection with Mill West Phase III and Stair Tower work as described above. With respect to the remaining projects listed, Brady Sullivan relies upon its lead abatement contractors to comply with all applicable federal, state and local laws and regulations covering the lead removal work. As such, Brady Sullivan is currently working to determine if and how RRP was followed.

(b) Provided herewith are all such documents which I have been provided in connection with RRP rule procedures. Additional inquiries are being made to determine if additional responsive documents exist.



(c) Brady Sullivan does not believe that RRP applies to unoccupied commercial buildings. Notwithstanding that fact, Brady Sullivan requires that each of its lead abatement contractors comply with all applicable federal, state and local laws and regulations covering the lead removal work. In the event that RRP has not been followed in any lead abatement process, such would be based upon the respective contractor having independently determined that RRP does not apply or if RRP. If RRP applies and the lead abatement contractor did not follow the rule, such would be based upon the contractor having failed in its duty to comply with all applicable federal, state and local laws and regulations covering the lead removal work, contrary to its obligation to Brady Sullivan.

(d) Provided herewith are all such documents which I have been provided in connection with post renovation cleaning. I will supplement if and as necessary.

3. (a) For each property listed in response to paragraph 1 above, the following are the names of all lead abatement contractors that performed work on the property:

Eagle Street Providence – Sandblasting by BilRay Corporation. Still under construction so no third party lead inspection yet.

Junction Shops - Sandblasting by Environmental Compliance Specialists, Inc. and Third Party Lead Inspector Titan Lead Testing.

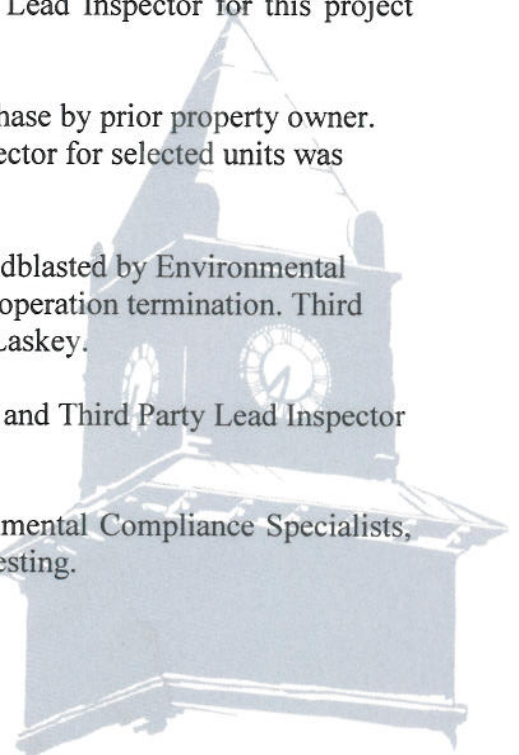
Lancaster Mill Phase 2 – Sandblasted well prior to purchase by prior property owner. Property purchased in 2007. Third Party Lead Inspector for this project was David Pesce, Master Lead Inspector.

Mill West Annex – Sandblasted well prior to purchase by prior property owner. Property purchased in 2007. Third Party lead inspector for selected units was Mickey Laskey.

Mill West Main Building, Phase III – Partially sandblasted by Environmental Compliance Specialists, Inc. prior to sandblasting operation termination. Third Party Lead Inspector for this project was Mickey Laskey.

Harris Mill – Sandblasting by BilRay Corporation and Third Party Lead Inspector Michael Coyle.

Pacific Mills Phase 1 – Sandblasting by Environmental Compliance Specialists, Inc. and Third Party Lead Inspector Titan Lead Testing.



Pacific Mills Phase 2 – Sandblasting by Enviro Construction Services, Inc. No Third Party Lead Inspection as project is ongoing.

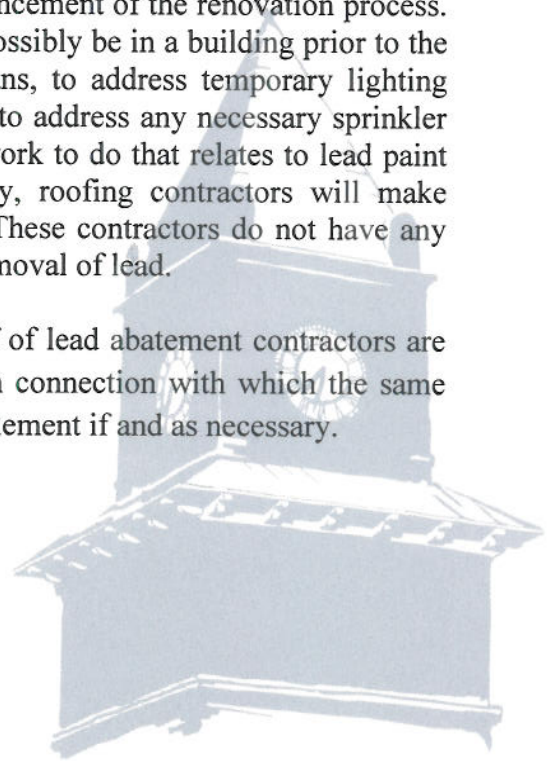
Tourister Mill – Sandblasting by Environmental Compliance Specialists, Inc. No Third Party Lead Inspection as project is ongoing.

American Locomotive – No lead removal has commenced at this property.

Butcher Block Mill – Sandblasting by Enviro Construction Services, Inc. No Third Party Lead Inspection as project is ongoing

Nashua Corp. Mill – Sandblasting commenced by Enviro Construction Services, Inc. No Third Party Lead Inspection as project is ongoing

- (b) For each such property listed above, the lead abatement contractor was hired by Brady Sullivan, except for Lancaster Mill, Phase 2, and Mill West Annex, both of which had been sand blasted well prior to property purchase by Brady Sullivan in 2007.
- (c) For each such property listed above, areas of lead through-out the building were removed, including walls, ceilings and staircases.
- (d) For each property, the lead removal process follows the demolition process and the asbestos abatement process, all of which are conducted by the lead abatement contractor. That process constitutes the commencement of the renovation process. Accordingly, the only contractors that would possibly be in a building prior to the lead abatement contractor would be electricians, to address temporary lighting issues, and in rare cases, sprinkler contractors to address any necessary sprinkler issues. Such contractors would not have any work to do that relates to lead paint or to the removal of lead. Very occasionally, roofing contractors will make exterior roof repairs prior to lead abatement. These contractors do not have any work to do that relates to lead paint or to the removal of lead.
- (e) Copies of all reports produced by or on behalf of lead abatement contractors are attached herewith with respect to properties in connection with which the same have been located as of this writing. I will supplement if and as necessary.



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4. (a) For each property listed above, Brady Sullivan has provided lead disclosures to all tenants in occupied buildings. Buildings that are not currently occupied have had no lead disclosures distributed, however, upon occupancy, lead disclosures will be provided to all tenants.

(b) For each property listed which is occupied, provided herewith are copies of three lead disclosures provided to tenants within the last four months.

(c) Not applicable as lead disclosures have been provided to all tenants.

Included with the materials provided herewith is a list of the documents and records provided. As noted above, as additional responsive materials are located, the same will be provided to you.

In connection with the materials provided to you in connection herewith, Brady Sullivan asserts a business confidentiality claim in connection with the payment terms related to all contracts provided to you. Payment terms are proprietary and disclosure of the same will irreparably harm Brady Sullivan's ability to fairly negotiate its contracts in the future with potential contractors.

Please feel free to contact me with any questions you have regarding the foregoing.

Very truly yours,



Marc A. Pinard

MAP/maf
Enclosures

